

MINUTES

September 9, 2003

The State Board of Registration for Professional Engineers and Land Surveyors met on September 9, 2003 in Conference Room 104 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT:

John H. Sweitzer, PE - Chairman
Robert T. Armstrong, LS
William W. Dean, PE
Gloria B. Ransom, Public Member
Richard K. Little, PE
E. Charles Vickery, PE
Guy F. Ritter, PE

BOARD MEMBERS ABSENT:

Torben S. Madson, LS

STAFF PRESENT:

J. Darren Mickler – Board Executive Director
Julie Busbee – Board Secretary
Vivian Stephens – Board Application Specialist
Ajay Gohil – Attorney General Representative

OTHERS PRESENT:

Bob White, representing Surveying and Mapping Society of Georgia (SAMSOG)
Muriel Zhou, representing Engineering Credentials Evaluation International (ECEI)
George D. Peterson, representing Accreditation Board for Engineering and Technology (ABET)

Call to order:

Chairman Sweitzer called the meeting to order at 9:34 am and presented a proposed agenda. The following items were added:

9.5 Number of Exam Offerings

10.5 Applications

10.6 Plan Stamping

Mr. Little moved to adopt the amended agenda. Dr. Ransom seconded. Motion carried.

Approval of Minutes:

Mr. Sweitzer asked for any additions or deletions to the minutes of the June 25, 2003 Board Meeting. Mr. Ritter stated that the word “Section” should be changed to “Selection” in paragraph 6.3 Review of Quality Based Selections (Mini-Brooks Act). Mr. Ritter moved to adopt the minutes as corrected. Mr. Armstrong seconded. Motion carried.

Chairman Sweitzer asked if there were any additions or deletions to the minutes of the July 29, 2003 Board meeting. There were none. Mr. Little moved to adopt the minutes as written. Mr. Ritter seconded. Motion carried.

Vote on Feasibility/Legality of Board Rules 180-2-.01, 180-2-.02, 180-2-.03 and 180-7-.04

Mr. Ritter moved that the formulation and adoption of Board Rules 180-2-.01, 180-2-.02, 180-2-.03 and 180-7-.04 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A §§ 43-15-4(a), O.C.G.A. § 43-15-6(a) & (b), to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Dr. Ransom seconded. Motion carried.

Public Hearing

At 9:40 AM, the Board entered into a ten minute Public Hearing on Board Rules 180-2-.01, 180-2-.02, 180-2-.03 and 180-7-.04. There being no comments from the public, Mr. Ritter moved to close the hearing at 9:50 AM. Mr. Little seconded. Motion carried.

Professional Societies and Guests

Chairman Sweitzer recognized Mr. Bob White, representing SAMSOG. Mr. George Peterson and Ms. Muriel Zhou made a presentation about ECEI and ABET. Discussion and questions followed.

Executive Director’s Report

Mr. Mickler reported that the staff has been hard at work notifying applicants who were approved for the exam before the NCEES deadline of September 8, 2003. He reported that he, Chairman Sweitzer, Mr. Dean and emeritus member, Ted Stivers were the representatives from Georgia who attended the NCEES Annual Meeting in Baltimore in August. Issues that were discussed at the annual meeting included:

- NCEES is developing a list of calculators which will be acceptable in exams,
- Structural Engineers Model Law was adopted with requirements to include 16 hours of the Structural I and Structural II exam,

- Backlash of several State Boards against the procedures used to form Engineers and Land Surveyors Examination Services (ELSES),
- General discussion of security of exams and cheating problems, and
- General discussion of law enforcement and prosecution of unlicensed practice, fraud, substandard work, etc.

Old Business:

Board Rule 180-2-.01 (5):

Mr. Dean moved to adopt this Rule regarding general provisions for applications. Dr. Ransom seconded. Motion carried. It reads as follows:

180-2-.01 General.

- (1) All applications shall be made to the Board upon the forms prescribed by the Board. Applications made otherwise will not be accepted.
- (2) An application will not be considered on file or complete, until the Board has received all data pertinent to the application. It is the applicant's responsibility to ensure that the Board receives all necessary data, including the established fee, reference forms, education transcripts, and other required documents.
- (3) Application forms may be obtained from the Georgia Board of Professional Engineers and Land Surveyors, Professional Licensing Board Division, 237 Coliseum Drive Macon, Georgia 31217-3858

Board Rule 180-2-.02:

Mr. Dean moved to adopt this Rule regarding changing exam application deadlines. Dr. Ransom seconded. Motion carried. It reads as follows:

180-2-.02 Timeliness.

An application for admission to an examination must be on file with the Board by June 1st or December 1st preceding the next scheduled examination in order for the applicant to be considered for admission to that examination. Applications not on file by those dates may be deferred to the next examination. Notice of the Board's action on an application normally will be given to an applicant at least twenty (20) days prior to the examination for which the application has been filed.

Board Rule 180-2-.03:

Mr. Dean moved to adopt this Rule regarding Board actions on applications. Dr. Ransom seconded. Motion carried. It reads as follows:

180-2-.03 Board Action on Applications.

(1) Notice of the Board's action approving or rejecting an application will be given to an applicant, by first-class mail.

(2) In the event the Board makes a preliminary determination that grounds may exist for rejection of an application under O.C.G.A. [43-15-15\(b\)](#), it will give notice of that determination to the applicant, by certified mail, return receipt requested. The applicant so notified may request a hearing before the Board in accordance with the Administrative Procedure Act.

(3) In the event the Board rejects an application on any ground other than those set forth in O.C.G.A. [43-15-15\(b\)](#) or 43-15-19, no formal hearing will be permitted before the Board. The Board may, in its sole discretion and upon the applicant's written request, permit an applicant an informal conference with the Board or with a designated member thereof for the purpose of permitting the applicant to explain, but not to supplement, his/her application. No recording of such a conference will be permitted.

(4) In the event the Board rejects an application based on insufficient experience and/or education, the applicant should not file a new application until such time as the minimum period of deferment has expired. [A period of deferment may be imposed by the Board in accordance with O.C.G.A. [43-15-15\(c\)](#)]. However, the applicant may file prior to the end of the deferment period if; in the applicant's opinion, there have been substantive changes in the rate in which experience has been earned or education obtained. The new information may be filed either as a new application or as a supplement to the original application. In either case, the required fee shall accompany each application submitted.

(5) For applications requiring that the applicant be examined, experience will be considered through the date on which such application was notarized. Experience earned between the date the application was filed and date of the next examination will be considered valid only if the applicant remains in the same, equivalent or higher position in which he/she was employed at the time of filing and may only be claimed when the applicant files a new application or supplemental application as applicable. It is the responsibility of the applicant to keep the Board informed of substantive changes in job duties and responsibilities

(6) The Board will provide reasonable accommodation to a qualified applicant with disability in accordance with the Americans with Disabilities Act. The request for an accommodation by an individual with a disability must be made in writing and received in the Board office by the application deadline along with the appropriate documentation, as indicated in the Request for Disability Accommodation Guidelines.

Board Rule 180-7-.04:

Mr. Dean moved to adopt this Rule regarding Board actions on applications. Dr. Ransom seconded. Motion carried. It reads as follows:

180-7-.04 Measurements-Vertical.

- (1) A circuit of levels between precise bench marks or a circuit closed upon the initial bench mark shall not differ more than 0.02 foot multiplied by the square root of the number of miles in the circuit, and in no case to exceed 0.05 foot.
- (2) Levels run for control to topographic mapping of a site or project shall have an error of closure of not less than 0.1 foot per square root of the number of miles.
- (3) Topographic maps and plats, delineated either by contours or by points with indicated elevation, shall be of such accuracy that no more than 10% of the area covered shall be in error by more than one half (1/2) of the contour interval shown. This degree of accuracy applied to maps and plats prepared from field work only and those compiled by photogrammetric techniques.

Board Rule 180-11-.08:

Mr. Ritter moved to post this rule regarding clarifying continuing education requirements and exceptions for reinstatement applications, and further moved that the formulation and adoption of Board Rule 180-11-.08 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A. §§ 43-15-4(a), O.C.G.A. § 43-15-6(a) & (b), to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Mr. Vickery seconded. Motion carried.

Georgia Association of Residential Engineers (GARE):

Mr. Gohil reported that he had spoken to Ms. Marilyn Moore, president of GARE and clarified the issues of concern to GARE to be as follows:

- Unregistered building inspectors
- County employees performing building inspections
- Unlicensed building inspectors performing engineering

Mr. Gohil further reported that he has asked Ms. Moore to send evidence of actual instances of the above and to compose a letter GARE wants the Board to send to Fulton County Permits and Inspections for the Board to consider at the next Board meeting.

New Business:

Notices of Borrower Default on Repayment of Student Loan:

Mr. Ritter moved to suspend the PE license of Kenneth T. Robinson to practice as a professional engineer, License No. PE021401, for failure to repay a student loan, and further moved that this suspension will cease upon receipt by the Division Director of a "Notice of Release" from the Georgia Higher Education Assistance Corporation. Mr. Vickery seconded. Motion carried.

Mr. Dean moved to direct the Executive Director to send a letter to Mr. Robinson asking him to surrender his seal to the Board and that the letter should include the Board's reinstatement policy and explanation of the need of Mr. Robinson continue to pay fees while on suspension. Mr. Little seconded. Motion carried.

Mr. Ritter moved to suspend Stanley C. Wilson's certificate for land surveyor-in-training, Certificate No. LSIT000811, for failure to repay a student loan, and further moved that this suspension will cease upon receipt by the Division Director of a "Notice of Release" from the Georgia Higher Education Assistance Corporation. Mr. Vickery seconded. Motion carried.

Request from Land Surveyor for Copy of Application:

Mr. Ritter moved to decline Mr. David Simmons request for a copy of his original land surveying application. Mr. Vickery seconded. Motion carried.

Direct PE Supervision:

Mr. Mickler presented a request from Mr. Barry Barsh for a Board interpretation of "Direct Supervision." Mr. Ritter moved to direct the Board Chairman or Executive Director to compose a letter to answer Mr. Barsh, referring to Board Rule 180-6-.03 (6).

2004 Board Meeting Schedule:

Mr. Little moved to adopt the following Board meeting schedule for calendar year 2004:

Jan 27	Regular Board Meeting, Macon
Feb 3	Exam work session, Macon
Mar 16	Regular Board Meeting, Macon
May 4	Regular Board Meeting, Macon
June 15	Regular Board Meeting, Macon
July 27	Exam work session, Macon
Sep 21	Regular Board Meeting, Macon
Nov 16	Regular Board Meeting, Macon
Dec 14	Application work session, Macon

Dr. Ransom seconded. Mr. Armstrong amended to adopt the scheduled dates only, with location to be determined in the future as funding is available. Dr. Ransom seconded. Motion carried.

NCEES Record for Comity Licensure

Mr. Mickler presented a letter from Leigh Fricks from NCEES asking the Board to consider requiring licensure applicants to obtain an NCEES Council Record for comity licensure. Chairman Sweitzer conducted a straw poll with Mr. Vickery and Mr. Ritter voting Yes, Mr. Little, Mr. Armstrong and Mr. Dean voting No, Dr. Ransom abstaining, and Mr. Sweitzer voting to encourage but not require a NCEES Council Record. No official action was taken.

Additional Offerings for Examinees after Four Offerings:

Mr. Dean discussed the Board's policy regarding refresher course requirements for examinees that have exhausted their initial four offerings. Mr. Mickler offered to research this matter and write a proposal in line with NCEES Model Law and bring it back to the next meeting.

At 12:10 PM, Mr. Vickery moved to recess for lunch and return at 1:15 PM. Dr. Ransom seconded. Motion carried.

Executive Session:

The Board reconvened at 1:15 PM and Mr. Ritter moved to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on applications and investigative reports. Mr. Vickery seconded. Motion passed. The following Board members were present during Executive Session – Chairman Sweitzer, Mr. Armstrong, Mr. Vickery, Mr. Dean, Mr. Ritter and Mr. Little.

Reconvened Open Session at 5:00 PM with the following Board members present - Chairman Sweitzer, Mr. Armstrong, Mr. Vickery, Mr. Dean, Mr. Ritter, Mr. Little:

Investigations and Complaints

Mr. Armstrong moved to deny Mr. Thomas Lynn Colbaugh's request for reinstatement of his land surveyor's license number LS002214. Mr. Dean seconded. Motion carried.

Mr. Dean moved to renew the professional engineer's license of Po Wei (David) Lu, PE018109 to immediately suspend the license for two years and require the registrant to appear before the Board in two years to request a lifting of the suspension after he has fulfilled his probation as required by the court order. Mr. Ritter seconded. Motion carried.

Mr. Armstrong moved to accept signed Consent Order with \$1000 fine and Public Reprimand from Mr. William Johnson, LS001713 for assisting unlicensed practice of land surveying. Mr. Little seconded. Motion carried.

Mr. Armstrong moved to accept a signed Voluntary Cease & Desist Order from Mr. Benny Moore for unlicensed practice of land surveying. Mr. Dean seconded. Motion carried.

PELS02200135 - Mr. Armstrong moved to modify the conditions of a Consent Order for a land surveyor to change probation period from 24 months to six months, fine from \$1500 to \$500, to delete the requirement for submitting surveys to the Board, and to provide for a public reprimand instead of private reprimand. Mr. Little seconded. Motion carried.

PELS020142 – Mr. Armstrong moved to issue a Voluntary Cease and Desist Order for unlicensed practice of land surveying with a \$2000 fine. Mr. Dean seconded. Motion carried.

Mr. Dean moved to issue a Consent Order with public reprimand of an engineering firm for improper use of stamp. Mr. Vickery seconded. Motion carried.

PELS030009 – This case involved a structural professional engineer who stamped preliminary plans. Mr. Dean moved to close case with no violations found. Mr. Little seconded. Motion carried.

PELS040008 – This case involved unlicensed practice of professional engineering. Mr. Dean moved to issue a Voluntary Cease and Desist Order with \$1000 fine for violation of O.C.G.A. § 43-15-30.

PELS030035 – This case involved allegations of substandard work by an engineering firm now out of business. Mr. Dean moved to close the case with no violations found. Mr. Armstrong seconded. Motion carried.

PELS040007 – This case involved an engineering firm offering engineering services without a Certificate of Authorization. Mr. Dean moved to send a letter to the firm with an application for Certificate of Authorization. Mr. Little seconded. Motion carried.

PELS040006 - This case involved an engineering firm offering engineering services without a Certificate of Authorization. Mr. Dean moved to send a letter to the firm with an application for Certificate of Authorization. Mr. Ritter seconded. Motion carried.

PELS040016 – This case involved an unlicensed individual holding herself out to be a licensed professional engineer in Georgia. Mr. Armstrong moved to issue a Voluntary Cease and Desist Order. Mr. Ritter seconded. Motion carried.

PELS040004 – This case involved an engineering firm practicing for several years with a lapsed Certificate of Authorization. Mr. Dean moved to issue a Consent Order with \$1000 fine. Mr. Little seconded. Motion carried.

PELS040003 - This case involved an engineering firm offering engineering services without a Certificate of Authorization. Mr. Little moved to send a letter to the firm with an application for Certificate of Authorization. Mr. Vickery seconded. Motion carried.

PELS040002 - This case involved an engineering firm without a Certificate of Authorization offering engineering services. Mr. Little moved to send a letter to the firm with an application for Certificate of Authorization. Mr. Vickery seconded. Motion carried.

• **Board Memo EIT Senior Exam Applicants:**

Applicants for certification as an Engineers-in-Training by examination who are currently enrolled as seniors in ABET approved programs in schools, colleges or universities in Georgia, who have filed with the Board five acceptable references, who have had no convictions for moral turpitude or other substantive reasons, and in every way comply with the provisions of the appropriate law(s) are as follows:

Georgia Institute of Technology:

Kim, Shin K.

Ward, Brandon Lee

Wieczorek, Christopher

Southern Polytechnic State University:

Clark, Rickey Dwain

Hines, Drew W.

Mr. Ritter moved to approve these applicants for EIT certification @ 43-15-8(1) or 43-15-8(2). Mr. Little seconded. Motion carried.

• **Board Memo Comity Model Law Applicants:**

Applicants for registration as Professional Engineers by comity, who have an ABET engineering degree, who have taken and passed an 8-hour fundamentals of engineering (EIT/FE) exam, who have a minimum of 48 months post graduation engineering experience as determined by a staff evaluation using the present Board guidelines, who have taken and passed an 8-hour principles and practice of engineering exam (PE Exam-taken at least 4 years after BS degree), and who comply in every way with the provisions of the appropriate law(s), are as follows:

28947 Christen, Barry L.

28948 McKinnon, Jason R.

28958 Gardner, Thomas W.

28959 Halsted, Stephen C.

28960 Rhodes, Derek L.

28961 Holmes, David P.

28962 Corwin, Regan M.

28963 De Jesus, Angel J.

28964 Person, Russell

28965 Lancaster, E. Hunter

28966 Morawa, Brenda V.

28968 Brown, David E.

28969 Hughes, Michael S.

28991 Dennis III, Daniel R.

28992 Kohout, Francis J.

28793 Burnette, Robert D.

28994 Fisackerly, Robert B.

28995 Herd, Robert T.

28996 Robinson, Gregory J.

28997 Roetzel, Mark

Mr. Ritter moved to approve these applicants for PE registration by comity @ 43-15-16(a), via 43-15-8(1) and 43-15-9(1). Mr. Vickery seconded. Motion carried.

Board Memo Reinstatements:

Mr. Little moved to reinstate the professional engineer's license of Mr. Phillip A. Luten, PE010165. Mr. Vickery seconded. Motion carried.

Mr. Ritter moved to reinstate the professional engineer's license of Mr. John O. Braga, PE016361. Mr. Vickery seconded. Motion carried.

Mr. Armstrong moved to deny reinstatement of the professional engineer's license of Mr. Herbert H. Timmerman III. Mr. Ritter seconded. Motion carried.

There being no further business before the Board, Chairman Sweitzer asked for a motion to adjourn. Mr. Little so moved. Mr. Vickery seconded. Motion carried and the meeting was adjourned at 5:30 pm.

These minutes were approved at the November 18, 2003 Board meeting.

Board Chairman

Division Director